

Staff Report



Development Services Department

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REPORT TO: Finance and Corporate Services Committee

DATE OF MEETING: April 25, 2022

SUBMITTED BY: Rosa Bustamante, Director of Planning, 519-741-2200 ext. 7319

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WARD(S) INVOLVED: ALL

DATE OF REPORT: April 21, 2022

REPORT NO.: DSD-2022-199

SUBJECT: Addendum Report to DSD-2022-192 Province of Ontario More Homes for Everyone Plan (Bill 109)

RECOMMENDATION:

That report DSD-2022-199 titled “Addendum Report to DSD-2022-192 Province of Ontario More Homes for Everyone Plan (Bill 109)” be submitted together with report DSD-2022-192 to the Province as the City of Kitchener’s comments on the More Homes for Everyone Plan which includes Bill 109; proposed guidelines for the Community Infrastructure and Housing Accelerator; and the Missing Middle Housing and Gentle Density Discussion Paper.

REPORT HIGHLIGHTS:

- The purpose of this report is to provide an update on the status of Bill 109 and outline planning and development review processes, by-laws, and policies that that will need to be reviewed as a result of Bill 109;
- On April 14, 2022, Bill 109 received Royal Assent and the majority of the Bill is now in effect, with the remainder coming into effect as outlined in Attachment A;
- The staff comments on the More Homes for Everyone Plan, including Bill 109, outlined in report DSD 2022-192 and those contained within report DSD 2022-199 will be submitted to the Province as the City of Kitchener’s comments, and;
- This report supports the delivery of core services.

BACKGROUND:

On March 30, 2022, the Province released Bill 109, the More Homes for Everyone Act; proposed guidelines for a Community Infrastructure and Housing Accelerator; and a discussion paper titled “Opportunities to increase missing middle housing and gentle density, including supports for multigenerational housing” for comment by April 29, 2022. On April 14, 2022, Bill 109 received Royal Assent and portions are now in effect.

REPORT:

This report provides an update on the Bill 109 information provided in report DSD-2022-192 and outlines considerations for possible changes and refinements to processes, resources, by-laws and policies as a result of Bill 109 receiving Royal Assent. Attachment A is a comprehensive summary of these considerations.

Bill 109 changes effective immediately

Most of Bill 109 came into effect on April 14, 2022. Generally, there are no process, resourcing, by-law or policy changes that need to occur in short order in response to the portions of Bill 109 that are in effect. Staff continues to have questions and requests additional information from the Province to better understand any implications on complete application requirements for site plans and conditions of subdivisions that are pending through future Ontario Regulations.

Bill 109 changes effective July 1, 2022

Delegation of site plan approval to staff is required in accordance with Bill 109 by July 1, 2022. Kitchener already utilizes delegated approval authority for site plan applications. No changes are required to the Site Plan Control By-law to enact this change.

Bill 109 changes effective January 1, 2023

Effective January 1, 2023, for site plan applications that are not approved within the required Planning Act timeframe and Zoning By-law amendment (ZBA) applications (including combined Official Plan Amendment (OPA) applications) which are not decided on within the required timeframe, the application fees collected by the City are required to be refunded between 50 and 100 per cent based on the amount of time that has passed since a complete application was received by the City. The details and implications of this change are outlined in report DSD-2022-192. Processing applications within the Planning Act timelines to avoid refunding application fees will require changes to the City's development application processes, including changes to community engagement processes. Staff will assess the impacts of these changes and report back to Council on the implications as necessary.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Bill 109 may have Operating Budget Implications. The fee refund changes to the Planning Act have the potential to impact a key Planning and Engineering Division revenue source.

Capital Budget – The recommendation has no impact on the Capital Budget.

COMMUNITY ENGAGEMENT:

Community engagement for Bill 109 was outlined in report DSD 2022-192.

PREVIOUS REPORTS/AUTHORITIES:

- DSD-2022-192: Province of Ontario More Homes for Everyone Plan (Bill 109)

REVIEWED BY: Katherine Hughes, Assistant City Solicitor

APPROVED BY: Justin Readman, General Manager Development Services
Department

ATTACHMENTS: Attachment A – Process, Resource, By-law, and Policy
Considerations of Bill 109